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CONCORD, N.H.

Honorable Emmet J. Flanagan  
House of Representatives  
Concord, New Hampshire

Dear Representative Flanagan:

You have inquired whether under Laws of 1949, chapter 430, section 33, the police commissioners of the City of Dover have authority to provide by regulation for the hours of work, the compensation, and conditions of employment of the police force in that City.

Please be advised that after an examination of the provisions of section 33 together with its place within chapter 430, otherwise known as the Charter of the City of Dover, it is my opinion that the police commissioners of the City of Dover do have under existing law the full power to make all rules and regulations for the government of the Dover police force, which includes the right to determine the hours of work, the compensation, and - by separate provision - the conditions of employment, including the power of removal.

It is noted that the provisions of section 33 are in some respects inconsistent with the general personnel administration provided for in section 44. To the extent an inconsistency exists, it is my opinion that the police department stands alone and is provided for by section 33, within and as a separate subdivision of municipal authority. This of necessity follows from the provisions of section 33 expressly providing that the police commissioners shall fix the compensation of police officers and that the compensation of the police commissioners themselves shall be fixed by the city council.

Sincerely,

Louis C. Wyman  
Attorney General

W/d